IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9838 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHUPENDRA SOMABHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR SANJAY M AMIN for Petitioner No. 1
MR DN PATEL Sr. Central Govt. Standing Counsel for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 22/10/2001

ORAL JUDGEMENT

Rule. Mr. D.N. Patel Sr. Central Govt. Standing Counsel appears on behalf of the respondent and waives service of rule on behalf of the respondent.

2. This petition has been filed for a direction to the respondent authority to make correction in the passport with regard to birth date of the petitioner as 19-09-1950 in place of 05-03-1951 in the passport issued by the respondent.

3. It is stated that due to inadvertence wrong birth date of the petitioner has been mentioned in the passport issued by the respondent on the basis of school leaving certificate. The petitioner has already moved an application before the respondent for correction of the birth date as 19-09-1950 in place of 05-03-1951 in the passport issued by the respondent. But the respondent no. 1 has not considered and decided the application of the petitioner saying that it has no power or authority to make such correction in the birth date of the petitioner unless and until some order is passed by the competent Court of Law. The petitioner has produced the birth certificate issued by the competent authority showing the correct date of birth of the petitioner.

3. In the facts and circumstances of this case and considering the submissions made by the learned counsel for the parties as well as material on record, this petition is being disposed of with a direction to the respondent to consider and decide the petitioner's application for making correction in the passport with regard to his birth date as 19-09-1950 in place of 05-03-1951 in accordance with law and on the basis of the material on record including the birth certificate issued by the competent authority, as far as possible preferably within a period of one month from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority would be at liberty to pass appropriate order with regard to the costs of the proceed, with no order as to costs.

4. With the above directions and observations, this petition is disposed of. Rule is made absolute to the aforesaid extent, with no order as to costs. D.S. is permitted.

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/JVSatwara/